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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Raleigh Burgess

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/813,663

Applicant(s)

BURGESS, RALEIGH

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 092801.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 3/19/01, the following is a non-final first office action. Claims 1-20 are pending in this application and have been examined on the merits. Claims 1-20 are rejected as follows.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of :

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

4. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful art" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory

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subject matter. For a process claim, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claim 1 is directed to a method of providing remote support to a monitored system. Claim 1 recites the steps of "providing a remote productivity center connected to the monitored system...", "receiving data from the agent at the monitored system", "comparing the data from the monitored system with threshold values", "ascertaining jobs to be performed on the monitored system...", "identifying a first set of the jobs an automatically performing...", and "identifying a second set of the jobs and assigning the jobs to associates...". These steps do produce a useful, concrete, and tangible result, but represent mere ideas in the abstract since they do not disclose any computer means or software embodied on a tangible medium to help carry out the steps of these claims. Since no computer means or software embodied on a tangible medium exist, claim 1 and all claims that depend from it (claims 2-13) are therefore found to be non-statutory.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent; except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Macleod Beck et al (US 6,170,011).

As per claims 1, 14, Macleod Beck et al discloses:

providing a remote productivity center connected to the monitored system, the monitored system having at least one agent for gathering data/a message broker for receiving data from the monitored system, (col. 45, lines 11-14, Cynos-connected agent may invoke system remotely via PC, where the system is client-server based and the server receives the data);

receiving data from the agent at the monitored system, (Col. 10, lines 33-38, entry stored as part of an agent discussion in a chat application, [where agent chat applications provide interaction level information], and col. 53, lines 13-15, show that the interaction level is monitored in the multimedia call center);

comparing the data from the monitored system with threshold values/a solution engine for receiving data from the message broker, for comparing the data with threshold values, and for ascertaining jobs to be performed on the monitored system (col. 53, lines 15-16, comparing, and col. 53, lines 13-15, show that the interaction level is monitored in the multimedia call center, where interaction-level monitoring function serves as the solution engine);

ascertaining jobs to be performed on the monitored system as a result of the comparing/a scheduling engine for receiving a first set of jobs from the solution engine and for remotely performing required to complete the first set of jobs, (Col. 53, lines 26-

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32, preparing agent task lists as a result of threshold comparison, where the scheduling engine is represented by the DCM);

identifying a first set of the jobs and automatically performing work required to complete the first set of jobs through the productivity center, (col. 35, lines 6-14, defining steps and sub-steps application will perform when executed, w/ Fig. 14, [tasks 1-1c]); and

identifying a second set of the jobs and assigning the jobs to associates for manually performing work required to complete the second set of jobs/wherein the solution engine assigns a second set of the jobs to associates for performing work required to complete the second set of jobs, (Fig. 14, [tasks 2-2c] w/ Col. 35, lines 41-44, shows that an agent may initiate the task based on a non-live request).

As per claim 2, Macleod Beck et al discloses:

comprises scheduling the second set of tasks to the associates, (Col. 36, lines 38-48, pre-qualifies a client and inserts required data into the interactive application so task can be processed, w/ Col. 35, lines 41-44, shows that an agent may initiate the task based on a non-live request).

As per claim 3, Macleod Beck et al discloses:

wherein assigning jobs to associates jobs to associates based on associates assigned to the monitored system, (col. 50, lines 59-61, shows that interactions be sorted and divided evenly among several agents assigned to outbound campaigns).

As per claim 4, Macleod Beck et al discloses:

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wherein scheduling comprises assigning jobs based on required skill level of the jobs and skill level of the associates, (Col. 10, lines 21-23, routing to appropriate agent based on skill).

As per claims 5/13/15, Macleod Beck et al discloses:

wherein scheduling includes allocating the second set of jobs to the associates based on at least one factor selected from the group comprising: work level of the associates, availability of the associates, monitored system associated with the associates, and a desire for the second set of jobs to be assigned to associates having the lowest skill level/ further comprising tracking availability of the associates/further comprising a calendar tool for tracking an availability of the associates, (col. 10, lines 11-20, emails routed to the next available agent, where CINOS represents the calendar tool).

As per claim 6, Macleod Beck et al discloses:

wherein receiving data comprises receiving requests for jobs to be performed, (Col. 10, lines 28-33, media requests).

As per claim 7, Macleod Beck et al discloses:

wherein receiving data comprises receiving performance data from a server within the monitored system, (col. 52, lines 23-26, stat-server/agent's performance).

As per claim 8, Macleod Beck et al discloses:

wherein automatically performing the second set of jobs comprises instructing the agents at the monitored system to perform the work required to complete the first

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set of jobs, (col. 36, lines 24-37, choices and data to determine the loan type and task 2 can't begin until task 1 is complete).

As per claims 9, 19, Macleod Beck et al discloses:

wherein ascertaining jobs to be performed comprises providing a task dictionary defining tasks that may need to be performed on the monitored system/further comprising a task dictionary of tasks that may need to be performed on the monitored system, the task dictionary being stored in a jobs database, (col. 35, lines 5-10, defines steps and sub-steps as tasks to be performed, w/ col. 34, lines 23-31, shows task objects are stored in database).

As per claims 10, 16, Macleod Beck et al discloses:

further comprising providing status information on the monitored system/wherein the solution engine derives status information on the monitored system from the data and wherein the system further comprises an escalation engine for sending notifications with the status information, (col. 7, line 66-col. 8, line 8, financial status, w/ Col. 9, lines 29-32, routed notifications).

As per claim 12, Macleod Beck et al discloses:

further comprising providing alerts regarding the status information on the monitored system, (Col. 51, lines 58-61, alerts of a dip below the threshold).

As per claim 18, Macleod Beck et al discloses:

wherein the solution engine comprises a pre-processor for obtaining information from a job queue, a solver for assigning the jobs to the scheduling engine and to the associates, and a post-processor for sending job assignments to the scheduling engine



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and for updating the job queue, (col. 35, lines 39-49, shows queuing process for a client).

As per claim 20, Macleod Beck et al discloses:

further comprising an interface for providing access to the status information and to the data received from the monitored system, (col. 8, lines 30-31, internal media layer).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macleod Beck et al (US 6,170,011) as applied to claim 1 above, and further in view of Gisby et al (US 6,044,146).

As per claim 11, Macleod Beck et al does not disclose wherein providing status information comprises providing status information to wireless devices/wherein the escalation engine sends notifications to wireless devices, but does disclose providing status information in Col. 7, line 66-col. 8, line 8, and also discloses a routed notification in col. 9, lines 29-32.

However, Gisby et al discloses:

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wherein providing status information comprises providing status information to wireless devices/wherein the escalation engine sends notifications to wireless devices, (col. 1, lines 31-42, wireless). Gisby et al discloses this limitation in an analogous art for the purpose of showing that wireless communications can be used to interact with callers in a call center.

It would have been obvious to one of ordinary skill in the art at the time at the applicant's invention to provide status information to a wireless device with the motivation of providing status information remotely.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

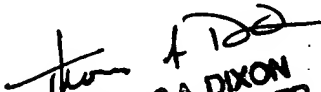
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.  
May 24, 2005

  
THOMAS A. DIXON  
PRIMARY EXAMINER